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In re

Case No. 13-42244 (CEC)

234 8th ST. CORP.,

Debtor.

Chapter 11

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**ORDER DISMISSING CHAPTER 11 CASE WITH
PREJUDICE TO REFILING FOR ONE YEAR**

Upon the stipulation by and between M. David Graubard of Kera & Graubard, attorneys for 234 8th St. Corp. (the “Debtor”) and Jason Leibowitz of Kriss & Feuerstein LLP, attorneys for FTBK Investor LLC as Trustee for NY Brooklyn Investor Trust 5 (“FTBK”) that was so ordered by the Court on October 25, 2013 (ECF No. 50); and upon the order dated December 13, 2013 granting FTBK relief from the automatic stay (ECF No. 53), and after due deliberation; it is hereby

Ordered, that this case, commenced under Chapter 11 of the Bankruptcy Code, is hereby dismissed with prejudice to the Debtor refiling a Chapter 11 case for the one year period following the date of entry of this order; and it is further

Ordered, that the Debtor pay to the United States Trustee the appropriate sum required pursuant to 28 U.S.C. § 1930 within ten (10) days of the entry of this order and simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements for the relevant period.

**Dated: Brooklyn, New York
February 28, 2014**




Carla E. Craig
United States Bankruptcy Judge